

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH LAURIE LAPLANTE
ANGOUS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C10-85/CR05-346 RSM

ORDER

This matter has been remanded to this court for the limited purpose of issuance or denial of a Certificate of Appealability. Dkt. # 27. Petitioner has filed a Notice of Appeal, which requires a determination by this Court as to the Certificate of Appealability. 28 U.S.C. §2253(c)(1)(B). To obtain such certificate and proceed with an appeal of the denial of a petition for habeas corpus, the petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. §2253(c)(2). Petitioner “must demonstrate that the issues are debatable among jurists of reason; that a court **could** resolve the issues [in a different manner];

1 or that the questions are ‘adequate to deserve encouragement to proceed further.’ ” *Barefoot v.*
2 *Estelle*, 463 U.S. 88, 893 n. 4 (1983).

3 Petitioner has not submitted any statement as to why her §2255 habeas petition should
4 proceed to appeal. The Court has also reviewed her objections to the Report and
5 Recommendation, and her motion to amend the petition. The Court finds that reasonable jurists
6 would find no debatable issue here; the Magistrate Judge correctly concluded that the §2255
7 habeas petition should be denied. Petitioner has advanced no reason why that conclusion has
8 denied her of a constitutional right.

9 As petitioner has failed to make a substantial showing of denial of a constitutional right,
10 the petition for a Certificate of Appealability is DENIED. 28 U.S.C. § 2253(c)(2).

11 Dated this 3rd day of February 2011.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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